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The following Act was passed by Parliament on 28th July 1987 and assented to by the President on 8th August 1987:—

PUBLIC TRANSPORT COUNCIL ACT 1987

(No. 18 of 1987)

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REPUBLIC OF SINGAPORE

No. 18 of 1987.

I assent.



WEE KIM WEE
President.
8th August 1987.

An Act to provide for the establishment of the Public Transport Council to license bus services and approve bus, taxi and Mass Rapid Transit System fares and for matters connected therewith and to repeal the Bus Services Licensing Authority Act (Chapter 31 of the 1985 Revised Edition) and to make a consequential amendment to the Road Traffic Act (Chapter 276 of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Public Transport Council Act 1987 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —

“bus” means a public service vehicle which is used on scheduled services and in which the passengers are charged separate and distinct fares;

“bus service licence” means a bus service licence issued under Part IV;

“Council” means the Public Transport Council established under section 3;

“Mass Rapid Transit System” has the same meaning as in the Mass Rapid Transit Corporation Act (Cap. 172);

“public service vehicle” means a vehicle used or kept for use for the carriage of passengers for hire or reward, other than a vehicle constructed for use on fixed rails or specially prepared ways;

“taxi” means a public service vehicle having a seating capacity of not more than 6 persons (including the driver), which plies for hire on any road and is hired under a contract, express or implied, for the use of each such vehicle as a whole or for the use of two or more persons who pay separate fares.

PART II

PUBLIC TRANSPORT COUNCIL

Establishment and constitution of Public Transport Council

3.—(1) There is hereby established a council to be called the Public Transport Council which shall consist of the members set out in paragraph 1 of the First Schedule.

(2) The Minister may, by order published in the *Gazette*, amend paragraph 1 of the First Schedule.

(3) The First Schedule shall have effect with respect to the Council, its members and proceedings.

Functions of Council

4. The functions of the Council are —

- (a) to receive and consider applications for the issue of bus service licences;
- (b) to receive and consider applications for approval of bus, taxi and Mass Rapid Transit System fares;
- (c) to regulate bus routes and bus, taxi and Mass Rapid Transit System fares; and
- (d) to engage in such other activities and to perform such functions as the Minister may permit or assign to it by order published in the *Gazette*.

Powers of Council

5. The Council shall have power to do anything for the purpose of discharging its functions under this Act or which is incidental or conducive to the discharge of those functions and, in particular, may —

- (a) approve new bus routes and amend or delete existing bus routes; and
- (b) appoint an agent to do anything which the Council may do.

PART III
FINANCIAL PROVISIONS

Expenses

6. Except as otherwise provided, all expenses incurred in carrying out the purposes of this Act shall be met from the funds of the Council.

Bank accounts and application of revenue

7.—(1) The Council shall open and maintain an account or accounts with such bank or banks as the Council thinks fit; and every such account shall be operated upon as far as practicable by cheque signed by such person or persons as may from time to time be authorised in that behalf by the Council.

(2) The moneys of the Council shall be applied only in payment or discharge of expenses, obligations and liabilities of the Council and in making any payments that the Council is authorised or required to make.

Financial provisions

8. The financial provisions set out in the Second Schedule shall have effect with respect to the Council.

PART IV
LICENSING OF BUS SERVICES

Interpretation of this Part

9. In this Part, unless the context otherwise requires —

“affairs”, in relation to a licensee, includes —

- (a) the promotion, formation, membership, control, trading, dealings, business and property of the licensee;
- (b) the ownership of shares in, debentures of and interests made available by the licensee;
- (c) the ascertainment of the persons who are or have been financially interested in the success or failure or

apparent success or failure of the licensee or are or have been able to control or materially to influence the policy of the licensee; and

- (d) the circumstances under which a person acquired or disposed of or became entitled to acquire or dispose of shares in, debentures of or interests made available by the licensee;

“licensee” means a person to whom a bus service licence has been granted under this Part and includes any company which an inspector appointed under this Part thinks necessary to investigate the affairs of the company pursuant to section 15(1);

“officer or agent”, in relation to a licensee, includes —

- (a) a director, banker, solicitor or auditor of the licensee;
- (b) a person who at any time —
- (i) has been a person referred to in paragraph (a); or
 - (ii) has been otherwise employed or appointed by the licensee;
- (c) a person who —
- (i) has in his possession any property of the licensee;
 - (ii) is indebted to the licensee; or
 - (iii) is capable of giving information concerning the promotion, formation, trading, dealings, affairs or property of the licensee; and
- (d) where there are reasonable grounds for suspecting or believing that a person is a person referred to in paragraph (c), that person.

Bus service licences

10.—(1) Subject to the provisions of this Part, the Council may, in its discretion, grant to any person applying therefor a licence (referred

to in this Part as a bus service licence) to provide a bus service upon the route or routes therein specified, and irrespectively or whether or not any such route or any part thereof is specified in any other bus service licence.

(2) A bus service licence shall be for a period not exceeding 3 years and the fee to be paid therefor by the person to whom any such licence is granted shall be in accordance with a scale of fees to be prescribed by the Council.

(3) All fees received by the Council under subsection (2) shall be paid into the Consolidated Fund.

(4) From and after the grant of a bus service licence under this section, no bus, other than the buses of the licensee, shall ply for hire along any route specified in the licence.

Matters to be considered by Council

11. In exercising its discretion to grant or refuse a bus service licence in respect of any route or routes and its discretion to attach conditions to any such licence, the Council shall generally have regard to —

- (a) the financial standing of the applicant and his ability to maintain an adequate, satisfactory, safe and efficient service and, if the applicant is a company, the fact that its articles of association contain provisions to ensure that its board of directors shall at all times consist only of persons approved by the Council;
- (b) the suitability of the route or routes on which a service is to be provided under the licence;
- (c) the extent, if any, to which the needs of the proposed route or routes are already adequately and satisfactorily served by existing transport facilities;
- (d) the extent to which the proposed service is necessary or desirable in the public interest; and
- (e) the needs of the area as a whole in relation to traffic (including the provision of adequate, safe, suitable and efficient services, the elimination of unnecessary or unsatisfactory services and the provision of

unremunerative services) and the co-ordination of all forms of passenger transport.

Conditions of licence

12.—(1) In granting a bus service licence, the Council may impose such conditions as it thinks fit, and may, in particular, impose conditions relating to —

- (a) the timetable of the bus service and the number of buses to be provided;
- (b) the carrying and availability for inspection in vehicles used on the bus service of copies of the timetable and fare-table;
- (c) the taking up and setting down of passengers at specified points;
- (d) the prevention of racing, cutting in and dangerous competition with other vehicles on the route; and
- (e) the deposit of such security as may be determined by the Council for the due performance by the licensee of all or any obligations imposed upon him by the bus service licence or by this Act or any other written law.

(2) All security under subsection (1)(e) shall be deposited by the licensee or by his bank pursuant to a bank guarantee with the Accountant-General.

Licensee to submit accounts

13.—(1) Every licensee shall, within 3 months after the close of each financial year of the licensee's undertaking or within such extended period as the Council may approve, submit a copy, certified by the licensee or if the licensee is a company by a director or by the manager or the secretary of the company, as the case may be, to be a true copy of the balance sheet and of the profit and loss account for the financial year which have been respectively audited by the licensee's auditors (including every document required by law to be annexed or attached thereto) together with a copy of the report of the auditors thereon (certified as aforesaid) and if the balance sheet or account is in a language other than English there must also be annexed to it a

translation in English certified to be a correct translation. If the balance sheet or account did not comply with the requirements of the law as in force at the date of the audit, there shall be made such additions to and corrections in the copy in order to make it comply with the requirements, and the fact that the copy has been so amended shall be stated thereon.

(2) The licensee shall cause to be attached to the profit and loss account a statement or statements of the total revenue and expenditure of the licensee for the financial year containing such particulars and in such form as the Council may direct and such statement or statements shall be signed by the licensee or if the licensee is a company by not less than two of the directors of the company.

(3) The statement or statements referred to in subsection (2) shall be duly audited.

(4) If any licensee fails to comply with this section, the licensee and, if the licensee is a company, every director and manager thereof shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and the court may on the application made by the Council order the licensee and, if the licensee is a company, a director or manager thereof to lodge the balance sheet and the profit and loss account and the statements referred to in subsections (1) and (2) within such time as the court may determine.

(5) Nothing in this section shall prevent the Council from taking any action to suspend or cancel the bus service licence issued to the licensee or to forfeit the whole or any part of any security deposited with the Accountant-General by the licensee or by his bank pursuant to a bank guarantee in accordance with section 19 for a contravention of subsection (1), (2) or (3).

Investigation into the affairs of a licensee

14.—(1) The Council may appoint one or more inspectors to investigate the affairs of a licensee or such aspects of the affairs of a licensee as are specified in the instrument of appointment.

(2) An inspector appointed by the Council may, and if so directed by the Council shall, make interim reports to the Council and on the conclusion of the investigation the inspector shall report his opinion

on or in relation to the affairs that he has been appointed to investigate together with the facts upon which his opinion is based to the Council, and a copy of the report shall be forwarded by the Council to the registered office of the licensee.

(3) The Council may, if he is of the opinion that it is necessary in the public interest to do, cause the report to be printed and published.

Procedure and powers of inspectors

15.—(1) If an inspector appointed to investigate the affairs of a licensee which is a company thinks it necessary for the purposes of the investigation to investigate also the affairs of any other company which is or has at any relevant time been deemed to be or have been related to the licensee by virtue of section 6 of the Companies Act (Cap. 50), he shall have power to do so, and he shall report on the affairs of the other company so far as he thinks the results of the investigation thereof are relevant to the investigation of the affairs of the licensee.

(2) The licensee and every officer and agent of the licensee shall, if required by an inspector appointed under this Part, produce to the inspector all books and documents in his custody or power and shall give to the inspector all assistance in connection with the investigation which he is reasonably able to give.

(3) An inspector may, by notice in writing, require the licensee and any officer or agent of the licensee to appear for examination on oath or affirmation (which he is hereby authorised to administer) in relation to the business of the licensee and the notice may require the production of all books and documents in the custody or under the control of that licensee or officer or agent of that licensee.

(4) An inspector who pursuant to this section requires the production of all books and documents in the custody or power or under the control of an officer or agent of any licensee —

- (a) may take possession of all such books and documents;
- (b) may retain all such books and documents for such time as he considers to be necessary for the purpose of the investigation; and

(c) shall permit the licensee to have access at all reasonable times to all such books and documents so long as they are in his possession.

(5) If any licensee or any officer or agent of the licensee fails to comply with the requirements of any notice issued under subsection (3) or fails or refuses to answer any question which is put to him by an inspector with respect to the affairs of the licensee, the inspector may certify the failure or refusal under his hand to the court, which may thereupon inquire into the case and, after hearing any witnesses against or on behalf of the alleged offender, deal with him in like manner as if he had been guilty of contempt of the court.

(6) No person who is or has formerly been an officer or agent of a licensee shall be entitled to refuse to answer any question which is relevant or material to the investigation on the ground that his answer might tend to incriminate him but if he claims that the answer to any question might incriminate him and but for this subsection he would have been entitled to refuse to answer the question the answer to the question shall not be used in any subsequent criminal proceedings except in the case of a charge against him for making a false statement in answer to that question.

(7) Subject to subsection (6), a person shall be entitled to refuse to answer a question on the ground that the answer might tend to incriminate him.

(8) An inspector may cause notes of any examination under this Part to be recorded and reduced to writing and to be read to or by and signed by the person examined and any such signed notes may, except in the case of any answer which that person would not have been required to give but for subsection (6), thereafter be used in evidence in any legal proceedings against that person.

Report of inspector to be admissible in evidence

16. A copy of the report of any inspector appointed under this Part certified as correct by the Council shall be admissible in any legal proceedings as evidence of the opinion of the inspector and of the facts upon which his opinion is based in relation to any matter contained in the report.

Costs of investigations

17. The expenses of and incidental to an investigation by an inspector appointed under this Part shall be paid out of the funds of the Council.

Offences

18.—(1) Any person who with intent to defeat the purposes of this Part or to delay or obstruct the carrying out of an investigation under this Part —

- (a) destroys, conceals or alters any book, document or record of or relating to a licensee; or
- (b) sends or attempts to send or conspires with any other person to send out of Singapore any such book, document or record or any property of any description belonging to or in the disposition or under the control of a licensee,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) If in any prosecution for an offence under subsection (1) it is proved that the person charged with the offence —

- (a) has destroyed, concealed or altered any book, document or record of or relating to the licensee; or
- (b) has sent or attempted to send or conspired to send out of Singapore any book, document or record or any property of any description belonging to or in the disposition or under the control of the licensee,

the onus of proving that in so doing he had not acted with intent to defeat the purposes of this Part or to delay or obstruct the carrying out of an investigation under this Part shall lie on him.

(3) If any person uses a bus or causes or permits a bus to be used in contravention of the provisions of this Part, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not

exceeding \$250 for every day during which the offence continues after conviction.

Suspension and cancellation of licence

19. If any licensee —

- (a) fails to comply with or fails to secure the compliance of his drivers, servants, agents or contractors with any of the conditions of his bus service licence or with the provisions of this Part or any other written law relating to public service vehicles; or
- (b) in the opinion of the Council, fails or is likely to fail to provide and maintain an adequate and satisfactory bus service upon the route or routes specified in his bus service licence or any part thereof,

the Council may, by notice in writing and without any compensation, do either or both of the following:

- (i) suspend or cancel the bus service licence;
- (ii) forfeit the whole or any part of any security deposited with the Accountant-General by the licensee or by his bank pursuant to a bank guarantee.

PART V

BUS, TAXI AND MASS RAPID TRANSIT SYSTEM FARES

Bus, taxi and Mass Rapid Transit System fares

20.—(1) No person shall be entitled to demand and take any bus, taxi or Mass Rapid Transit System rate of hire or fare in excess of that approved by the Council.

(2) Subsection (1) shall not prevent any person from demanding or taking a lower rate of hire or fare than that approved by the Council.

(3) If any dispute arises as to the rate of hire or fare calculated according to distance, the dispute may be referred to the Council or to the officer-in-charge of any police station whose decision shall be

final, and any certificate issued by the Council or the police officer with regard thereto shall be admissible in evidence.

(4) Any person who demands or takes or attempts to take any money in excess of such approved rate of hire or fare shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

(5) Any person who refuses to pay the approved rate of hire or fare when lawfully demanded shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

Matters to be considered by Council

21. In considering any application for approval of bus, taxi or Mass Rapid Transit System rate of hire or fare, the Council shall take into account —

- (a) the need for the applicants to remain financially viable; and
- (b) the need for public interest to be safeguarded.

PART VI

MISCELLANEOUS PROVISIONS

Regulations

22. The Council may make such regulations as it considers necessary or expedient for carrying out the provisions of this Act and, in particular but without prejudice to the generality of the foregoing, for —

- (a) prescribing the manner and form in which applications for bus service licences shall be made and the form of such licences;
- (b) prescribing a scale of fees for bus service licences;
- (c) prescribing the manner and form in which applications for bus, taxi and Mass Rapid Transit System fares shall be made; and

(d) regulating the procedure of the Council.

Repeal

23. The Bus Services Licensing Authority Act (Cap. 31) is repealed.

Consequential amendment

24. Section 106 of the Road Traffic Act (Cap. 276) is amended by inserting, immediately after subsection (5), the following subsection:

“(6) This section shall not apply to omnibuses and taxis.”.

Transitional provisions

25.—(1) Any licence granted under the Bus Services Licensing Authority Act shall be deemed to be a bus service licence granted under this Act, and shall, unless suspended or cancelled by the Council, be valid until the date of expiry specified in such licence.

(2) Any security deposited with or bank guarantee furnished to the Bus Services Licensing Authority prior to the commencement of this Act shall be deemed to have been deposited with or furnished to the Accountant-General under this Act.

(3) Any rate of hire or fare prescribed for omnibuses and taxis under the Road Traffic Act (Cap. 276) prior to the commencement of this Act shall be deemed to be the rate of hire or fare approved for buses and taxis respectively under this Act and shall continue to apply until new rate of hire or fare is approved by the Council.

FIRST SCHEDULE

Section 3(2).

CONSTITUTION AND PROCEEDINGS OF THE COUNCIL

Constitution of the Council

1. The Council shall consist of —

- (a) the chief executive officer of the Singapore Bus Service (1978) Ltd.;
- (b) the chief executive officer of the Trans-Island Bus Services Ltd.;
- (c) the chief executive officer of the company which is licensed to operate the Mass Rapid Transit System;

FIRST SCHEDULE — *continued*

(d) the chief executive officer of NTUC Workers' Co-operative Commonwealth for Transport Ltd.; and

(e) not more than 9 other members appointed by the Minister.

Appointment of Chairman and Deputy Chairman

2.—(1) The Chairman and the Deputy Chairman shall be appointed by the Minister from among its members.

(2) The Deputy Chairman may, subject to such directions as may be given by the Chairman, exercise all or any of the powers exercisable by the Chairman under this Act.

Temporary Chairman or Deputy Chairman

3. The Minister may appoint any member to be a temporary Chairman or temporary Deputy Chairman during the temporary incapacity from illness or otherwise or during the temporary absence from Singapore of the Chairman or the Deputy Chairman, as the case may be.

Revocation of appointment

4. The Minister may revoke the appointment of the Chairman, the Deputy Chairman or any appointed member without assigning any reason.

Tenure of office of appointed member

5. The Chairman, the Deputy Chairman or an appointed member, unless his appointment is revoked by the Minister or unless he resigns during his term of office, shall hold office for a period of 2 years and shall be eligible for reappointment.

Filling of vacancies

6. If an appointed member resigns, dies or has his appointment revoked before the expiry of the term for which he has been appointed, the Minister may appoint a person to fill the vacancy for the residue of the term for which his predecessor was appointed.

Salaries, etc., payable to members

7. There shall be paid to the Chairman, the Deputy Chairman and other members, out of the funds of the Council, such salaries, fees and allowances as the Minister may from time to time determine.

FIRST SCHEDULE — *continued*

Meetings of Council

8.—(1) The Council shall meet for the despatch of business at such times and places as the Chairman may from time to time appoint.

(2) At every meeting of the Council, 9 members shall form a quorum.

(3) A decision at a meeting of the Council shall be adopted by a simple majority of the members present and voting except that in the case of an equality of votes the Chairman or member presiding shall have a casting vote in addition to his original vote.

(4) The Chairman or in his absence the Deputy Chairman shall preside at meetings of the Council.

(5) Where both the Chairman and the Deputy Chairman are absent at a meeting, such member as the members present may elect shall preside at that meeting.

(6) If for any reason the chief executive officer referred to in section 3(1)(a), (b), (c) or (d) is unable to attend a particular meeting of the Council, he may nominate a representative to attend the meeting and his representative shall at the meeting be deemed for all purposes to be a member of the Council.

(7) Subject to the provisions of this Act, the Council may make rules to regulate its own procedures generally and, in particular, regarding the holding and proceedings of meetings, the notice to be given of such meetings, the keeping of minutes and the custody, production and inspection of such minutes.

Council may act notwithstanding vacancy

9. The Council may act notwithstanding any vacancy in its membership.

SECOND SCHEDULE

Section 8.

FINANCIAL PROVISIONS

Financial year of Council

1. The financial year of the Council shall begin on 1st April of each year and end on 31st March of the succeeding year, except that the first financial year of the Council shall begin on the date of the establishment of the Council and shall end on 31st March 1988.

Accounts to be kept

2. The Council shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its

SECOND SCHEDULE — *continued*

moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Council and over the expenditure incurred by the Council.

Audit of accounts

3.—(1) The accounts of the Council shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

(2) The remuneration of the auditor shall be paid out of the funds of the Council.

(3) The Council shall, as soon as practicable after the close of each financial year, prepare and submit the financial statements in respect of that year to the auditor who shall audit and report on them.

(4) The auditor shall in his report state —

(a) whether the financial statements show fairly the financial transactions and the state of affairs of the Council;

(b) whether proper accounting and other records have been kept;

(c) whether the receipts and expenditure of moneys by the Council during the financial year have been in accordance with this Act; and

(d) such other matters arising from the audit as he considers should be reported.

(5) The auditor or any person authorised by him shall be entitled at all reasonable times to full and free access to all accounting and other records relating directly or indirectly to the financial transactions of the Council.

(6) Any person who fails without any reasonable cause to comply with any requirement of the auditor under this paragraph shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Presentation of financial statements and audit reports

4.—(1) As soon as the accounts of the Council and the financial statements have been audited in accordance with the provisions of this Act, a copy of the audited financial statements signed by the Chairman, together with a copy of any report made by the auditor, shall be submitted to the Minister.

(2) Where the Auditor-General is not the auditor of the Council, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Council.

SECOND SCHEDULE — *continued*

(3) The Minister shall as soon as practicable cause a copy of the audited financial statements and of the auditor's report to be presented to Parliament.
